

## **REMARKS/ARGUMENTS**

### **Status of Claims**

Claims 1-14 are pending. Claims 4, 5 and 6 are currently amended. Claim 14 is new.

### **Claim Objections**

Applicant thanks the Examiner for pointing out the lack of periods. Accordingly, Applicant amends claims 4, 5 and 6 in order to overcome the objections and respectfully requests the Examiner to withdraw the objection.

### **New Claim 14**

Applicant submits that new claim 14 is allowable because the cited prior art does not disclose, teach or suggest, expressly or inherently, the claimed features.

### **Rejection of claims 1-7 and 9-12 under 35 USC § 103(a) as being obvious over Shioji (US 7193646 B1) in view of the Examiner's Official Notice**

Applicant respectfully traverses this rejection.

Claims 1, 7, 9 and 12 are not taught, disclosed or suggested by Shioji in view of the Examiner's Official Notice. First, Shioji does not disclose *at least one memory device for storing the digital images and at least one icon for indicating image display direction and a processing device programmable to control the retrieval of an icon from a memory device*. Shioji's Fig 1, item 46 suggests a memory device and the mark "M" (as shown in Fig 6) is merely a selection mark that is displayed on the reduced images. However, this does not disclose an icon that is stored in and retrieved from a memory device according to the features described in the claims. Shioji's mark "M" is merely displayed on the display screen.

The Examiner admits that Shioji does not disclose that the arrow either forward or backward depending on if the images are being selected in forward or backward order, and rejects the related claimed features of claim 1 based on *official notice*. The rationale supporting an obviousness rejection may be based on common knowledge in the art or 'well-known' prior art. The Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration of being 'well-known' in the art.

See MPEP § 2144.03. However, the facts so noticed serve to 'fill the gaps' which might exist in the evidentiary showing and should not comprise the principle evidence upon which a rejection is based. See MPEP § 2144.03.

Accordingly, the Applicant traverses the rejections of claim 1, at least for being based on an official notice and request references for disclosure of displaying a forward or backward arrow over an image that is currently selected from a plurality of images on the basis of whether the images are being selected in a forward or backward order. See office action, page 3.

In view of these remarks, if the Examiner does not intend to withdraw the rejection of the claims, Applicant requests that the Examiner provide evidence in the next Office action regarding the requirements of the claims being known in the art or explain why no evidence is required. See MPEP § 2144.03.

If the Examiner declines to provide evidence, and if the Examiner wishes to maintain a rejection based upon personal knowledge regarding the requirements of the claims being known in the art, Applicant requests that such knowledge be stated as specifically as possible in an affidavit, in accordance with MPEP § 2144.03.

Claims 2-7 are allowable at least because they depend on allowable base claim 1.

Claims 10 and 11 are allowable at least because they depend on allowable base claim 9.

**Rejection of claims 8 and 13 under 35 USC § 103(a) as being obvious over Shioji (US US 7193646 B1) in view of the Examiner's Official Notice further in view of English Abstract of JP 10-240218 (Takayanagi, cited in Applicant's IDS)**

Applicant respectfully traverses this rejection.

Claims 8 and 13 are allowable at least because they depend on allowable base claims 1 and 9.

Additionally, Takayanagi does not disclose, teach or suggest the claimed features. Takayanagi relates to plotting icons and dynamically revising attitude, shape and color of an icon in order to efficiently utilize memory and processing speed. However, this disclosure does not teach to *selectively rotate said at least one icon for indicating image display direction on said display screen to indicate a forward direction icon and a backward direction icon depending on whether said command selected the next digital image and the*

*previous digital image, respectively, in the sequential display of the digital images, as described in the claims.*

Accordingly, claims 8 and 13 are allowable.

**Conclusion**

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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